

FLORIDA
CIVIL
ED

UNITED STATES DEPARTMENT OF AGRICULTURE 10-10-07

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 05-0016
)	
OCTAGON SEQUENCE OF EIGHT,)	
INC., a Florida corporation doing business)	
as OCTAGON WILDLIFE SANCTUARY)	
and OCTAGON ANIMAL SHOWCASE;)	
LANCELOT KOLLMAN RAMOS, an)	
individual; and MANUEL RAMOS, an)	
individual)	
)	Consent Decision and Order
Respondents.)	as to Octagon Sequence of Eight, Inc.

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(the "Regulations" and "Standards"). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Octagon Sequence of Eight, Inc., admits the jurisdictional allegations in the complaint, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, waives oral hearing and further procedure, and consents and agrees to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Octagon Sequence of Eight, Inc. ("Octagon"), is a Florida corporation (No. 768253) whose agent for service of process is Peter O. Caron, 41660 Horseshoe Road, Punta Gorda, Florida 33955. At all times mentioned herein, respondent Octagon did business as Octagon Wildlife Sanctuary and Octagon Animal Showcase, operated as an exhibitor as that term is defined in the Act

and the Regulations, and held AWA license number 58-C-0548.

2. Respondent Octagon has a large business housing approximately 400 wild and exotic animals. The gravity of its violations is great. Octagon knowingly acquired animals for exhibition from unlicensed dealers, and failed to provide minimally-adequate veterinary care in compliance with the Regulations. Respondent Octagon has previously received multiple adverse inspection reports and warning notices from APHIS.

3. On or about September 13, 2000, respondent Octagon:

- a. failed to have an attending veterinarian provide adequate veterinary care to two juvenile lions acquired from respondents Manuel Ramos and Lancelot Kollman Ramos;
- b. failed to assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of veterinary care and use;
- c. failed to establish and maintain adequate programs of veterinary care that include the availability of appropriate facilities, personnel, equipment, and services;
- d. failed to establish and maintain adequate programs of veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries;
- e. failed to establish and maintain adequate programs of veterinary care that include daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication so that timely and accurate information on problems of animal health and well-being is conveyed to the attending veterinarian; and
- f. failed to establish and maintain adequate programs of veterinary care that

include adequate guidance to personnel involved in the care and use of animals regarding handling.

Conclusions of Law

1. Respondent Octagon has admitted the facts set forth above, the parties have agreed to the entry of this decision, and, therefore, such decision will be entered.
2. On or about September 13, 2000, respondent Octagon violated the Regulations governing the provision of veterinary care to animals by:
 - a. Failing to have an attending veterinarian provide adequate veterinary care to two juvenile lions in compliance with this section, in willful violation of section 2.40(a) of the Regulations;
 - b. Failing to assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of veterinary care and use, in willful violation of section 2.40(a)(2) of the Regulations;
 - c. Failing to establish and maintain adequate programs of veterinary care that include the availability of appropriate facilities, personnel, equipment, and services, in willful violation of section 2.40(b)(1) of the Regulations;
 - d. Failing to establish and maintain adequate programs of veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, in willful violation of section 2.40(b)(2) of the Regulations;
 - e. Failing to establish and maintain adequate programs of veterinary care that include daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication so that timely and accurate information

on problems of animal health and well-being is conveyed to the attending veterinarian, in willful violation of section 2.40(b)(3) of the Regulations; and

f. Failing to establish and maintain adequate programs of veterinary care that include adequate guidance to personnel involved in the care and use of animals regarding handling, in willful violation of section 2.40(b)(4) of the Regulations.

Order

1. Respondent Octagon, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

2. For the purposes of this consent decision and order, the 18-month period of time between ~~January~~ ^{May} 1, 2008, and ~~June~~ ^{October} ~~30~~ ^{November}, 2009, shall be referred to as the "probation period." Respondent agrees that if during the probation period APHIS notifies respondent's registered agent in writing that it has documented a failure to comply with the Regulations and Standards, upon receipt of such written notice and supporting documentation, said respondent shall be assessed a civil penalty of \$10,000, without further procedure, and due and payable within 60 days of respondent's receipt of such notice. Respondent further agrees to a prospective waiver of its right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with the Regulations and Standards, and the parties agree that respondent may seek further review or injunctive, declaratory or other appropriate relief in the district court in the district where respondent has its principal place of business, pursuant to section 2146(c) of the Act (7 U.S.C. § 2146(c)), within 60 days of receipt of such notice.

This order shall become effective on the first day after service of this decision on the

respondent. Copies of this decision shall be served upon the parties.

OCTAGON SEQUENCE OF EIGHT, INC.,
a Florida corporation
Respondent

By _____
Its



Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 16th day of April, 2008


Marc R. Hillson
Chief Administrative Law Judge